PEACE PRESERVATION (IRELAND) ACT.

RETURN to an Order of the Honourable The House of Communs, dated 28 March 1875;—for,

COPY "of Corresponding Setwern His Excellency the Lord Lieutenant of Ireland, the Chief Secretary for Ireland, and Mr. Callen, www. enclosing Statutions Declarations of Measts. McGiffele, with reference to Lighthe to carry Arms under the Prace Presentation Act (Irelands).

Dublin Castle, } 2 April 1875.

MEMORANDUM.

In re Messrs. M'Caffreys, the Police Authorities of Dundalk, and Captain Henry Keoch, R.M., stationed at Dundalk.

Mr. Callan begs to submit for the consideration of his Excellency :-

First. That the facts set forth in the accompanying, two solemn declarations are true in substance and fact; the principal and most serious portions of them

being so, within Mr. Callan's own personal knowledge.

That they disclose a series of acts and a course of proceeding, not only

opposed to the spirit, but at variance with the law.

That the said acts complained of are in direct violation of the rights of the

subject in general, and of Mr. McGaffery in porticular.
That as regards the police administration of the Coercion Acts in this county, and the alleged tampering with the blocks of the hooks containing the counterparts of the red licenses issued; they disclose a state of things, not only lighly consumple, if indeed not ordinate, and one which imperatively demands the constraints, and one which imperatively demands the constraints. One of the contraints of the contraints.

Second. That as regards the conduct of Captain Keogh, the resident magistrate stationed at Dundalk, the facts disclosed in the solemn declaration of Mr. John Mcaffrey, sentor, as having taken place in the Court-house at Dundalk,

- On Friday, 3rd October 1973, when M'Caffrey presented a letter of recommendation for a red or carrying license for his son, from Michael Kelly, Esq., J.p., the senior magistrate of the district,
- On Friday, 7th November, when M'Caffrey produced certificate of recommendation from Mr. Callan, M.P., and more especially the matters declared as having taken place in the magistrates' room of the Court-house at Dundally.
- On Friday 14th November 1873, on production of letter of recommendation from Bernard Coleman, Esq., J.P., of Ballyharrack,

are such as imperatively demand and require a similar strict investigation by some independent party, not a resident magistrate, nor connected with the Constabulary Department.

Third. That the language alleged in the declaration of John MCGsfray, sessier, to have been used by Captain Keogh, $n.x_n$, in the magnitates room of the Court-house, at Dandalk, on Friday, the lath of November 1873, and as changed by MCAffrey, "You need not try anywhere else," "all is now in my 154.

A

hands." You may memorial "the Lord Lieutenant if you like, but I tell you that you will not get any satisfaction," and "you need not come to me any more": and "if you establish the fact that your son bad a license granted in 1870." "it would show that three years ago he was thought worthy to get it. but at present I caunot, nor will not, grant it, no matter how recom-

That the aforesaid language, if true, as solemnly declared, is such as to imperatively demand and require, in the interests of the due administration of justice, an inquiry on oath,

That "'tis passing strange," the red or carrying license which on Friday the 14th of November, Captain Keogh had refused to grant, even though the applicant was recommended by the only two liberal and Catholic magistrates in the Dundalk Petty Sessions District, and which he is alleged to have stated he would not grant, "no matter how recommended," should, within four days, viz., 2nd December, after it had become known that a sworn investigation into the facts complained of had been amilied for, have been sent unasked, unsought for, without any further recommendation whatever by Captain Keogh, R.M., to Mr. M'Caffrey.

That if Mr. M'Caffrey was not a fit and proper person to have the said license issued him on the 3rd October and the 7th November, and on the 14th November he was equally an unfit and improper person to have it granted him on the 2nd December and sice versel; if he was a fit and proper person on the 2nd December to have a red license granted birn, he was equally a fit and proper person to bave such issued in his favour on the 3rd October, 7th November, or 14th November 1873, and that the public interest demands and requires an investigation on oath into the matters herein contained.

Fourth. That the disregard with which Captain Keogh treated the aforesaid letters of recommendation of Mesers. Kelly and Coleman, Justices of the Peace for the County of Louth on 3rd October and 14th November 1873, affects the personal honour of the magistracy and the administration of justice, and imperatively requires and demands a public inquiry into all the aforesaid matter and proceedings.

Mr. Callan therefore, in view of the foregoing circumstances, and on behalf of Mr. M'Caffrey, prays that his Excellency may be pleased to direct the appointment of a Commissioner or Commissioners to investigate and inquire into the several matters aforesaid, and complained of and charged in the accompanying solema declarations; and further that said Commissioner or Commissioners should be wholly unconnected with the resident magistracy or the Constabulary Department, but should be some person or persons learned in the law, and should be empowered to examine on oath all persons who may be produced before them in reference to the aforesaid matters, charges, and complaints.

Cookstown House, Ardee, County Louth, 6 December 1873.

To His Excellency the Right Honourable John Poyntz, Earl Spencer, Lord Lieutenant General, and General Governor of Ireland.

May it please your Excellency

THE humble Memorial of John M'Caffrey, of Bridge-street, Dundalk, and of his son, John M'Caffrey, junior, residing with him,

Sheweth. That the facts set forth in the accompanying declarations are true in substance and in fact; that they show a series of acts, and a course of proceeding, opposed not only to the spirit, but at variance with the strictest interpretation, of the several Crime and Outrage and Peace Preservation Acts at present in force in this county; that the several acts complained of are in direct violation of the rights of your petitioners, and disclose a state of things highly censurable, and therefore

your petitioners humbly pray that your Excellency may be pleased to afford them redress by directing that the required license may be given, and that your Excellency may order an inquiry en out before a day to expect an advantable fact input tale partly, by fore whom, by counted and witnesses, petitioners undertake to prove the fact stated, and charges made in aid declarations.

And your Petitioners will ever humbly pray.

(signed) John M*Caffrey, Bridge-street, Dundalk.

(signed) John M. Caffrey, junior.
Bridge-street, Dundalk.

18 November 1873.

DECLARATION of John M'Caffren.

COUNTY of LOUTH to Wit.

PETTY SESSIONS District of DUNDALE.

l, John M'Caffrey, of Bridge-street, Dundalk, in the county of Louth, do solemnly and sincerely declare that I have been a water halliff, of the district of Drogheda, from 1859 till 1871; and in 1871, when the district was civiled, I was appointed inspector of the Dundalk district, which appointment I now hold. I was be tracks a track

hold. I am by trade a last-maker. I have an only son, John M'Caffrey, jun., who assists me in my trade and business. In the year 1868 I paid for a same certificate for him; in 1869 I done the same, in '70 the same, in '71 the same, and in '73 the same. In 1870, in consequence of the change in the law, I went to Captain Coote, R.M., in company with my son, and he showed Captain Coote his game certificate, and asked him if that was now sufficient to carry a gun. Captain Coote said he thought it was, but if he wanted a red license he would give it to him any time. Some time after Head Constable Costello came and told me he must get a red license from Captain Coote, R.M. I then sent my son to Captain Coote to fulfil his promise, and some time after that, Richard Custello, Head Constable, brought down and gave to me a red license, signed Robert C. Coote, granting to John M'Caffrey, jun., of Bridge-street, Dundak, permission to have and carry one double-barrel gun in the counties of Louth and Armagh, which license I know he had in his possession up to the 25tb March 1872, on which day he told me it was stolen out of his pocket, in a crowd, in Dundalk, and which I firmly believe to he true.

I thought bis name was still in the block of the liceasing book left by Captain Cooto, and besides, Head Constable Cooxile bold use he would at any time of the cook of the co

last. I went with my son immediately to Mr. Supple at November 1, was about to explain to him what my business was, but he ext me short and said, "Oh, Rusow all about that; I have heen told that he has been shooting over the whole country all about that; I have heen told that he has been shooting over the whole country out that the said of the said of

License sent M'Caffrey 2 December 1873,—(signed) P. Collen, † Sic.

one he had. Mr. Supple said, "Upon my word, I will do no such thing for a man that is posching over the whole country;" I said, "Posching, sir?" He said, "Yes, there is nothing like calling things by their proper name." said he did not shoot any place without leave from either the landlord or the farmer. Mr. Supple said, "Farmer! that is your idea of it." I said, "Well. sir, you know my son brought Head Constable Costello to Captain Ball, R.M. when he was here, and that he, Costello, told Captain Ball that he brought the license from Captain Coote for my son." Mr. Supple said, "I know all that about Costello. your son, and Captain Ball, but he has no license now, and if he takes his gun outside the door, I will have it forfeited and him prosecuted, and if I did my duty I would have him summoned on last Friday." I said. "I wish, sir, that you would summon him, for I am quite certain I could then establish that he had a license, and that his name is still in the block of the book yet;" he said, " It is not, and never was in it, and I don't care, sir, what book yet; ne said, "It is not, and have was him the Court-house on the 3rd von wish, it is my duty I will do." I was present in the Court-house on the 3rd of October last, when my son presented the following letter from Michael Kelly, Esq., J.P., to Cantain Keoph, P.M.:-

"I know the hearer, John M'Cafrey, jun.; he is of good character, and has had a game certificate for the last five years, and as the law now requires a carrying license also, I wish to recommend him for such to carry a double-harvel gun in the counties of Louth and Armagh.

" Michael Kelly, z.P., to Captain Keogh, n.M., Dandalk."

My son also presented to Captain Keogh his game cortificates for 1868, 1869, 1870, and 1873, the certificate for 1871 being stolen with his red license and purse on the 25th March 1872. Captain Keogh asked him how he was shooting so long without a red license; he then explained that he had a license. when he got it, and where, and when it was stolen. Mr. Supple then stood up and said that he was aware Mr. M'Caffrey had a liceuse, but how he got it was a mystery to him, Mr. Supple.

My son had several interviews with Mr. Keogh after that, at which I was not present, but on the 7th of November I was present in the Court-house, Dundalk, and presented to Captain Keogh the following recommendation from Mr. Callan, M.P. :-

"I know John M'Caffrey, jun., son of John M'Caffrey of Bridge-street, Dundalk, local inspector of fisheries. I am aware that he was granted a red or carrying llconse by

Captain Coote, B.M., which enabled him to make use of his game certificate in the county of Louth, where he always had permission to shoot on my land. or Louin, where he attrays non premiseour to shoot on my mans.

"I know him to be a proper, well-conducted young man, of stainless reputation, and
every way qualified, according to the expressed declaration of the Chief Secretary for
Ireland, fully within the meaning and spirit of the Coercion Acts, to have granted him the license necessary to enable him to carry arms in the county of Louth or elsewhere. "I am also aware that it is the opinion of magistrates of the county, one of whom has

already so expressed himself under his hand. " Cookstown House, Ardee,

" Phillip Callan.

6 November 1878." Captain Keogh looked at Mr. Callan's letter, and said that he had a great deal of talk with my son on this matter, and that he would not give any other answer than what be had given to him. I said, "Well, sir, I am at a great

loss by his not getting leave to go out to shoot after paying 3 %, and what will loss or use not groung reave to go out as subce since justing a first of a first in Keogh them spoke loud and sharp, and said, "Do nothing; I will give no other answer, so bother me no more." On the 8th of November, being Saturday evening, I went to Captain Keogh's lodgings with the following letter of recommendation from Mr. Coleman, J.P. :-

" To Captain Koogh, n.M., Dundalk,

"I beg to recommend Mr. John M'Caffrey, jun., of Bridge-street, Dundalk, for a red or carrying license to carry arms. I know him to be a young man of good character, and a proper person to get such a house. I believe he has a certificate to kill game. " Bernard Coleman, J.P.

" Ballybarrack, 8 November 1873."

In

In consequence of not being able to see him through the week, I winted on Ceptain Keeplo or Iriday in the menigitaries room in the court-looses: I then said to him, "You told my sen to write to Captain Coote, and that if he said he had any recollection of giring a liense you would give him one at once." Mr. Keeplo said, "I did say that'; "Welf," said, I, "my sen did write to Captain Coote," had he did not asswer," shat a gentleman worte him, and here controlled to the said with the said with the said with the said in the said with the said in the said

"Date Sit.

"I cannot distinctly remember at this lengthsoul patient of the three part of the part of

" I am, &c.
" Robert C. Coote."

When Captain Keogh read the letter I said, "Now, sir, I am able to prove that head constable Richard Costello, who is now stationed in Carlingford, handed to me in October 1870 a red license for my son to have and carry one double-harrel gun in the counties of Louth and Armagh, and signed Robert C. Coote, and that my son had that license in his possession up to the 25th of March 1872, when it was stolen out of his pocket, as he will prove on oath if necessary." Captain Keogh then said, "Well, if you establish that it would show that three years ago he was thought worthy to get it, but at present I cannot nor will not grant it, no matter how recommended, he is just as strongly objected to." I said, "There can be no objection to him except it is through permission to shooting; he is in some people's way, but I say he has as much permission to shoot as any man in Dundalk, and that permission in writing in the counties of Louth, Armagh, and Monaghan, and I am at a loss of about 1 L a week by his not getting leave to go out to shoot, and surely it was not men who were in the habit of taking out game certificates that the law was intended to oppress." He said, "No matter what you say or do, I will not for the present more a peg, and I tell you, MCaffrey, that you need not try any-where else; all is now in my hands." I said, "I will not let it drop; my sou never was accused of any crime, and never was either arrested or summoned by a policeman; and how his character would be assailed in this way behind his back and mine is what I will most earnestly insist on inquiry into. "I make no charge on his character; there has been objections made to him so strong that I cannot move in the matter at present." I said, "I will memorial the Lord Lieutenant." He said, "You may do that if you like, but I tell you that you will not get any satisfaction; your memorial will be sent to me, and I will tell the Government the objections that is to him, but you will not know what they are, or who made them, so you will he where you started; hut please yourself, you need not come to me any more.

I have nayed a red license granted by Cupstan Coose, a.w., on 17th February Billott, to have and carry for single-barred gums and one sword in the precisioned parts of the counties of Louis and Armagh; signed Robert C. Coote, Louis Charles, and Coote Coote, Coo

nartial tribunal at which I can be legally represented be ordered to inquire into the matter charged. And I make this solemn declaration conscientiously helieving the same to be

true, and by virtue of the provisions of an Act made and passed in the Session of Parliament of the fifth and sixth years of the reign of bis late Majesty Kine William the Fourth, intituled an Act to repeal an Act of the present Session of Parliament, intituled an Act for the more effectual abolition of oaths and affirmations taken and made in various departments of the State, and to substitute declaration in lieu thereof, and for the more entire suppression of voluntary and extra-judicial oaths and affidavits, and to make other provisions for the abolition of unnecessary oaths, (signed) John M' Caffrey.

Bridge-street, Dundalk 18 November 1878.

Made and subscribed before me this 18th day of November 1873. (signed) B. Coleman.

[Stamps.] Justice of said County.

Declaration of John M'Caffrey, Junior.

COUNTY of LOUTH, to Wit:

PETTY SESSIONS District of DUNDALE.

I, JOHN M'CAFFREY, jun., son of John M'Caffrey, of Bridge-street, Dundalk, do sincerely and solemnly declare that I have read the declaration of my father; that it is true; and, in addition thereto, I solemnly and sincerely declare that when head constable R. Costello spoke about me having to get a red license in October 1870, I went to Captain Coote, R.M., and he told me to go to Mr. Supple, and if Mr. Supple objected to me he would not give it to me. I went to Mr. Supple and asked him had he any objections to me getting a red license. He said, No, not the least; I then went to Captain Cooks's house, and did not see him, so I wrote him what Mr. Supple had said, and that I would be obliged to him if, at his leisure, he would write the license and leave it for me. Next day Richard Costello, head constable, brought it to me, as described in my father's declaration. I had it in my possession up to Monday, the 25th of March 1872, when my pocket-hook containing it and my game certificate and money, was stolen out of my pocket. Some time after, when I gave up hopes of its was sometimed to me, I told Mr. Supple what happened to me. He said he would see about it, and make it all right. When the shooting season was near, I went again to Mr. Supple; he said, it would be all right. I went a third time to bim; he then said he would not get it for me. I then went to Captain Ball, R.M., and told him shout it; he said he would look in the hooks, and see if my name was in it. I then, at assizes time, got head constable Costello in town. He is stationed at Carlingford; I brought bim to Captain Ball, and asked, in presence of Mr. Ball, did he bring me a red license from Captain Coote, two years ago. He said he did; Captain Ball was then, soon after,

I also solemnly declare that I went to Captain Keogh on the 10th of October 1873, and gave him the following letter :-

" To Captain Keogh, B.M., Dundalk,

"I would feel grateful to you if you give the license to me which I applied for tarough a note from Mr. Kelly, J.P. I am looing a great deal of time for want of it, as I have an order for some birds now, and cannot go out; and in this season of the year I always get my support, or nearly so, from shooting. get my support, or nearly so, from shooting,
"As for me not sharing property, sarely the law of tempass in pursuit of game is quite
sufficient to pushed me if I occumit myself. I thought my name was in the book left by
Captain Cooks, or I would not have paid At, fill I got a Bussen. I understood, from a
report in the newspapers some time ago, that every facilities would be given to the people

"Sir.

of Louth to carry fowling-pieces. Such a report certainly came from the Chief Secretary for Ireland, and I think that I, who has had a game certificate for five years, ought not to be refused a red license, when my character is without blot or stein

"I am, &c. " John M' Caffrey, Jun."

I solemnly declare that when I went to Captain Keogh's house with this letter, I had a conversation with him about the license. He said be could not give an answer for the present. I told him that I was at a great loss by not getting leave to go out to shoot, and he told me, if I wrote to Captain Coote, and if he has any remembrance of giving you a license, I will give one to you at once. I told him that if I wrote to Captain Coote he would not answer my letter. He said, Well, indeed, he will, for gentlemen that are placed the same as myself and Captain Coote would answer letters from the very poorest persons. 1 then wrote to Captain Coote, but got no answer.

And I make this solemn declaration, conscientiously believing some to be true, and by virtue of the provisions of an Act made and passed in the Session of Parliament of the fifth and sixth years of the reign of his late Majesty King William the Fourth, intituled, an Act to repeal an Act of the present Session of Parliament, intituled an Act for the effectual Abolition of Oaths and Affirmations taken and made in various departments of the State, and to substitute Declarations in lieu thereof, and for the more entire suppression of voluntary and extra judicial oaths and affidavits, and to make other provisions for the abolition of unnecessary oaths.

Dated and signed this 17th day of November 1873.

John M. Caffrey, Jun., Bridge-street, Dundalk.

[Stamp.]

Made and subscribed before me this 18th day of November 1873,

> (signed) B. Coleman. Justice of said County.

The Chief Secretary for Ireland to P. Callan, Esq., M.P.

Dublin Castle, 13 December 1873. I am directed by the Lord Lieutenant to acknowledge the receipt of your communication of the 6th instant, asking for the appointment of a commission to inquire into the conduct of the constabulary authorities of Dundalk, and of Captain Keogh, resident magistrate, in re the Messrs. M'Caffrey.

I have, &c. (signed) Hartington. Philip Callan, Esq., M.P., Cookstown House, Ardee,

The Chief Secretary for Ireland to P. Callan, Esc., M.P.

Irish Office, 20 February 1874. I am directed by the Lord Lieutenant to acknowledge the receipt of the memorial of John M'Caffrey, of Bridge-street, Dundalk, and the declarations which accompanied it, and also of your memorandum, dated 6th December last, which was submitted therewith, containing various allegations reflecting upon the conduct of the resident magistrate and the constabularly stationed at Dundalk, as to certain proceedings relative to an application for an arms license made to the resident magistrate by John M'Caffrey, and praying that his Excellency may be pleased to direct the appointment of a Commission or Commissioners to investigate and inquire into the several matters com-

His Excellency has caused full and careful inquiry to be made into the circumstances of the case, and although it is unnecessary to enter into a full review 154.

of the facts, he deems it right to state that he has been satisfied that many of the allegations in the memorial and accompaying documents must have been made under some missurerheesion.

With reference to the charge which has been trought against Capptain Kough, and, I am to deserve that the law varies in the Herming officer the discretion of granting or reliating a ricease, and with such discretion his Excellency does of granting or reliating a ricease, and with such discretion his Excellency does for a licease by Myr. Kelly and Mr. Coloma, 2.8%, and Myr. Opported; but he Excellency cannot consure with you in opinion that Mr. Koogh's refund to grant a normal McColomy quot the recommendations under in his behalf affects a scene of the Colomy quote the recommendation which is the behalf affects a normal McColomy quot the recommendation which has been affected by the colomic proper person to so when discress copie to be granted, and as a nature of afset, in the colomic proper person to so when discress copie to be granted, and as a nature of afset, in an against of the Righten and the County Leeth. Who is a gastitument of the highten character.

His Excellency considers Mr. Keogh's explanation to he satisfactory, and sees no reason for any further inquiry with respect to his conduct in this case. With reference to the grave charge made against the constabulary, of having tampered with the hook of blocks containing the entries of licenses granted by Cantain Coote, his Excellency desires me to state, that in the course of the investigation he desired the block book of arms licenses granted in 1870 by Captain Coote to he forwarded to him, and that a book was accordingly transmitted to him on the 10th January, in which the name of Mr. M'Caffrey does not appear. On the 12th January, however, Mr. Supple, the sub-inspector, reported to Mr. Keogh that a large parcel, supposed to contain blocks of licenses to carry arms, had been found in the Queen-street Police Barrack, and that he had only heard that such was the case on the previous Saturday. Mr. Supple was informed of the fact by the head constable Greer, and Mr. Keogh went to the harruck with the sub-inspector, and found a parcel securely fastened with cord, which his Excellency is satisfied had been for a long time undisturbed. This parcel contained a number of blocks of licenses and also letters recommending persons for licenses; amongst those blocks for the year 1870, an entry was found of a license having heen given to John M'Caffrey, jun., hy Captain Coote

His Excellency thinks it unfortunate that a proper search for the book of blocks had not been previously made, as it would have at once placed the fact beyond a doubt that. N'Caffrey was duly isomest to hive and earry a gun, but he is of opinion that the faces stand completely exonerated the constabulary from the charge of having tampered with these books.

In other repress, however, the conduct of the constabulary throughout the proceedings referred to, his not met with his Excellency's approval. They appear to have acted under the missporedension that a person who had lost his original facture was not legally entitled to have or carry the arms mentioned in the lost facture.

His Excellency regrets extremely that such a misapprehension of the law on their part should have caused M'Caffrey unnecessary annoyance. His Excellency is also of objects.

His Excellency is also of opinion that the constability should have used further efforts to ascertain the facts, and should have communicated to the magistrates all the information width in their power, and his Excellency has taken the necessary steps to prevent the recurrence of interference by the constability under circumstances similar to those of the present case.

His Excellency is satisfied, however, that the constabulary acted in good faith in what they helieved to he the discharge of their duty, and he finds no ground for instituting any further inquiry into their case.

His Excellency observes that it is represented that M'Caffrey has heen at a loss of 1 l. a week for some weeks hy reason of his having been improperly prevented from shocking by the constabulary, and has directed that this amount shall be recouped to M'Caffrey.

Philip Callan, Esq., M.P. I have, &c. (signed) Hartington.

PEACE PRESERVATION (IRELAND) ACT.

COPY of Correspondence between His Excellency the Lord Lieutenanc of Treland, the Chief Secretary for Ireland, and Mr. Callan, Mr., onelosing Statuton to Dellarations of Messes. Mr Caffey, with reference to Lieuses to care

(Mr. Callan.)

Ordered, by The House of Commons, to be Printed, 20 April 1875.

154

Under 1 oz.